Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

VIVIAN C. SMITH-GREGG,

PETITIONER

VS.

U.S. DEPARTMENT OF THE INTERIOR,

RESPONDENT

On Petition for a Writ of Certiorari to the United States Court of Appeal

PETITION FOR WRIT OF CERTIORARI

Vivian C. Smith-Gregg, Pro Se
3908 2nd Street, S.W.
Washington, D.C. 20032-1421
(202) 562-7899

32 pp

QUESTIONS PRESENTED

1. When a class action discrimination lawsuit dismissal involves the judge-in-charge interferring with the case by directing, instructing, suggesting, etc., the course of the litigation of the case to, and used by, the lawyer before him, is this considered due process by our Congress when the lawyer abruptly follows the judge's directions (for the sake of possibly 209 pending plaintiffs) which excludes the retired pioneer of the case brought before him, and the judge-in-charge, himself at a later date, dismisses the case as he previously suggested to the lawyer?

2. When the judge-in-charge states to a lawyer "I can rule either way so I need you to convince me why this case should be certified," is this the intent of our Congress for the judge to make critical decisions on his assumption/belief rather than let the physical evidence (a written document of intent brought before him by the plaintiff) outweigh his assumption/belief and no physical/written evidence of response, which was favorable for the defendent (administrative agency) and led to a dismissal?

3. Is it the intent of our Congress to agree with our legal system when a case changed its course as mentioned in Item No.1, and important points were not argued on behalf of the retired pioneer of the case because of it, while physical/written evidentiary documents were on record to show that plaintiff contacted administrative agency and Justice on numerous occasions, and the court dismissed the case because the administrative agency say that "the plaintiff abandoned it"?

4. Is it the intent of our Congress to agree with an administrative agency who at no point and time found it necessary to contact a plaintiff, written or verbally, when they

had received a written document of intent on such sensitive issues as discrimination, harassment, and the mental stress which forced a retirement at an early age?

5. Is due process served when a hardworking, outstanding, patriotic, cooperative, cordial, and dedicated African American female-baby boomer, is not allowed full retirement coverage under the system intact in 1990 due to a forced retirement at an early age and the judge-in-charge interferring with her fight in court (1997) for these rights before him?

6. Is it the intent of our Congress to conclude with the court's dismissal of this case, and disallow a rehearing although plaintiff had several physical/written evidentiary documents of proof on record and the administrative agency had none?

7. Is it the intent of our Congress to have our judge interfer with cases, and have our administrative agency represent us without keeping any records, to not document information, names, dates, times, problems, verbal and/or written contact, etc., whether formal or informally, involving such sensitive issues as discrimination, harassment, and mental stress imposed on a plaintiff?

LIST OF PARTIES

I, Vivian C. Smith-Gregg, is the sole petitioner in this case before you this day, July 2, 1998. The other party to the appeal before this court whose judgment is sought to be reviewed, is the U.S. Department of the Interior as appellee.

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OTHERS

I am not a legal scholar. I do not know alot as to which authorities citations, cases, statutes and rules, but it is hoped that a law to the effect that physical evidence compared to an assumption and no physical evidence, should overrule and be favorable for the plaintiff in this case. A judge's interference should automatically give favor to the plaintiff, and proof of evidence on record, whether argued or not in this case (due to the judge), should give favor to this plaintiff.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the District of Columbia Circuit affirming the judgment in favor of the U.S. Department of the Interior is reported as denied, No. 97-5320, in a document dated April 3, 1998. (Appendix A)

JURISDICTION

The judgment of the United States Court of Appeals for the District of Columbia Circuit affirming the decision of Judge E.G. Sullivan, U.S. District Court, was rendered April 3, 1998. A Petition for Rehearing (Appendix B) was denied by Order dated April 29, 1998 (Appendix C). A Right To Know document (Appendix D) was submitted dated May 4, 1998, and responded to by Order dated June 26, 1998 (Appendix E). The jurisdiction of this Court to review the judgment by writ of certiorari is based on 28 U.S.C.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution provides:

> No person shall . . . be deprived of life, liberty, or property, without due process of law.

The Civil Rights Act of 1964 and amendments thereto protects the rights of mine that were violated by the DOI in respect to forcing me into early retirement, and when I got to court to seek my rights the judge interferred. I wanted to help the others, but most importantly, I want to first, defend my rights.

The 1992 Retirement law is involved in this situation for those who started their cases and retired prior to the passage of this law to receive some type of recourse, especially for me, a deligently employee who spent 25 dedicated years in service and was forced into early retirement. This law is the reason the judge made his suggestion to the lawyer to "get rid of the excess baggage and start a new case." I had reached his court to defend my rights and he interferred.

STATEMENT OF THE CASE

Your Honors, originally this case, started when I, Vivian C. Smith-Gregg, the sole petitioner before this court, and four other plaintiffs (all African Americans) were discriminated against at the U.S. Department of the Interior (DOI), Division of Information and Library Services prior to the abolishment of the office on October 1, 1990. On August 15, 1990 (Appendix F), Vivian C. Smith-Gregg wrote a note to the EEOO/DOI, also on behalf of and signed by the four other plaintiffs, that we wanted to file a class action lawsuit with them, because of all the discriminatory practices we had encountered, especially the promotion of a recently hired male caucasian employee with no prior government experience while we could never get a promotion after numerous years at DOI. We all wanted to combine our individual lawsuits and fight the system together, because this was a systemic pattern at DOI many years. Another employee handcarried the document to EEOO because I had to leave work early. Many of us experienced unfair discriminatory practices throughout other offices where we worked while employed at DOI. This action just set the tone for us to legally pursue it while for many years we had discussed it in our Blacks In Government group, but we did not know exactly how to go about doing it.

DOI ignored our written document of August 15, 1990 (Appendix F). Judge Sullivan stated that the August 15 document was "a very important piece of evidentiary material." DOI never discussed it with us and processed our individual cases avoiding our note that we wanted to do a class action lawsuit. Since DOI ignored every written statement (all included in records) about our class action where we sought their attention, we filed this class action lawsuit in the U.S. District Court December 14, 1994. DOI alleged that we informed them that we did not want to do a class action lawsuit. All of us have not, and testified that we did not, give DOI a document stating that we did not want to do the class. DOI has no proof and cannot provide not one single document to prove this alleged claim. They neither wrote to nor talked with any of us. I, Vivian C. Smith-Gregg wrote all documents to keep the case alive. I never waivered as documents on record have proven. (See Appendix G)

I traveled in a tornado to seek a lawyer. He agreed to represent us one day in court, but the judge asked him to represent us through mediation. I brought the case to court to, most importantly, fight the issues for me, the other four plaintiffs, and lastly, all African Americans at DOI. At the judge's suggestion, information from this case that I brought before him was used while in litigation to divide our purpose and serve the purpose of starting 10 new cases for 209 pending class members at DOI, excluding me, the individual who brought to focus discrimination at DOI, because I retired September 3, 1990, due to all the discriminatory practices, harassment, taunting, and mental stress imposed upon me. Because of what the judge suggested, I have added stressed from 209 individuals over matters involving this case when I was the person who brought the focus it to court for all of us.

I respectfully submit that further review by this Court is eminently warranted in order to address and remedy this travesty of justice, because if the 10 new cases come before this court as a class action lawsuit, I rightfully deserve No. 1 agent because of what the judge told the lawyer to do. The DOI should be put on notice in this regard to me and be Ordered to do so by this Court. Who would'nt do what the judge-in-charge suggests in a case overseen by him? (See Appendix H, letter from our former attorney Glenwoodd P. Roane.)

REASONS FOR GRANTING THE PETITION

I thank God that I have reached my goal. I am here before you. Your Honors, I am here, and never waivered, because discrimination is a major problem at DOI. I do not have money either, but I also do not want anything to stand in the way of this petition. Therefore, I am doing without something in order to include my fee ($300) with the submittal. I only get a small amount of money, and my husband is having a hard time supporting us. My son and I watched my first husband suffer and die of multiple myeloma, cancer of the bones. After his death (1986)all the problems surmounted. DOI took away my livelihood wherein I could not be a true mother to my growing son when I was the only close family member he had and needed. I remarried in 1988 to a life-long friend and had a daughter at 40. I had to try to be strong in this spite of my calamities all the time when I was pregnant. DOI managers did not care how they treated me in spite of the problems they were causing me. Many of us, African Americans, learned to live with it and overlooked many faults. Prior to my forced retirement when I spoke about the problems, discrimination was and up to 1990 still a major problem at DOI. I know because I worked there from 1967-1990 as an excellent employee, no problems ever! I just could not get promoted! I

have excellent credentials, special achievements, outstanding performance and cash awards, numerous departmental awards, certificates, awards, you name it; two years of college with other course studies at 3-to-4 colleges. Just recently, I won 1998 Editor's Choice Award with the National Library of Poetry and will be featured in an upcoming Anthology Book in the Library of Congress. As an excellent employee, all I wanted and deserved was one promotion like DOI chose to promote the male caucasian employee who erupted this entire situation. DOI has spent millions of dollars to fight this case while they could have promoted all five of us at a total additional cost of at least $10-to-$15 thousand a year.

With all the things that I have gone through with the fight for equal rights of all African Americans at DOI and anybody else who have been discriminated against, and to end up in court at my final destiny and have the judge suggest to the lawyer to "start a new case" because I am retired, was devastating. I have stated on numerous occasions that my ancestors, my African American parents, my Indian and Caucasian grandparents, encountered many obstacles in Atlanta, Georgia, in order for me to be treated equally. I started the fight for this case in 1990; therefore, and hopefully, 1992 retirement laws will be amended to allow prior retirees like me who started their case prior to retirement and the passage of this law, rights to recourse.

It is hoped that this Court will hold DOI, the administrative agency, responsible for not keeping any records and for not being sensitive to the needs of African Americans. They don't have any documents and never talked with any of us. I outlined a good recordkeeping system that could possible be introduced through this Court and serve as a better interaction rule once it is patented. It was either submitted under USDC 94-2679 or this case, 97-5320.

CONCLUSION

Your Honors, this petition for a Writ of Certiorari should be granted and settled in favor of Vivian C. Smith-Gregg. If you can see the wrongs that I have tried to bring to focus, please correct them, because they will not only serve the purpose for me but millions of other African Americans, forced retirees, and working class citizens of America who went through what I did. My document on record dated August 23, 1990, proves again that the case was not abandoned.

Respectfully Submitted,

Vivian C. Smith-Gregg

Date: July 2, 1998

APPENDIX A--ORDER IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED APRIL 3, 1998

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 97-5320 September Term, 1997

94cv02679

Vivian C. Smith-Gregg, et al.,
Appellants

v.

Bruce Babbitt, Secretary of the Interior
Appellee

BEFORE: Sentelle, Henderson and Tatel, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, the response thereto, and the reply; the motion to remand, the response thereto, and the reply; the motion for

resolution; and the motion for leave to file the lodged surreply and the response thereto, is

ORDERED that the motion for leave to file be granted. The Clerk is directed to file the lodged surreply. It is

FURTHER ORDERED that the motion for summary affirmance be granted . The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. V. Stanley, 819 F.2D 294, 297 (D.C. Cir. 1987) (per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir.) (Per curiam), cert. denied, 449 U.S. 994 (1980). The district court did not err in concluding that appellants abandoned their administrative claim and therefore failed to exhaust their administrative remedies. See generally Vinieratos v. United States, 939 F.2d 762, 770-72 (9th Cir. 1991) (judicial review is precluded where plaintiff has abandoned or withdrawn her administrative claim). Although appellants now argue that portions of an August 23, 1990, letter indicate that they did not intend to abandon the administrative claim, they admit that they did not bring these portions of the letter to the district court's attention or make this argument before that court. Therefore, they are precluded from having this court address it in the first instance. See District of Columbia v. Air Florida, Inc., 750 F.2d 1077, 1084-85 (D.C. Cir. 1984). It is

FURTHER ORDERED that the motion to remand and the motion for resolution be denied.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of timely petition for rehearing. See D.C. Cir. Rule 41.

Per Curiam

APPENDIX B--PETITION FOR REHEARING IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
FILED APRIL 10, 1998

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

VIVIAN SMITH-GREGG, ET AL. (APPELLANTS)
V.
BRUCE BABBITT, SECRETARY OF THE U.S. DEPARTMENT OF THE INTERIOR (APPELLEES)

CIVIL ACTION NO. 97-5320 (USDC Case No. 94-2679)

PETITION FOR REHEARING

BECAUSE OF OUR CONSTITUTIONAL RIGHTS, WE COME BEFORE YOU ON THIS 10TH DAY OF APRIL 1998, CONCERNING THE ORDER BEFORE: SENTELLE, HENDERSON AND TATEL, CIRCUIT JUDGES, APRIL 3, 1998, FURTHER ORDERED, lines 9-10, ". . . portions of an August 23, 1990, letter indicate that they did not intend to abandon the administrative claim, ..." Your Honors, in due respect, never did we (NAMELY, VIVIAN SMITH-GREGG, MARGARET BRANTLEY, REGINA SMITH nor any of the other signees) abandon our case and never did we make statements that we "did not intend to abandon" our case. Abandonment is an excuse that the U.S. Department of the

Interior (USDI) concocted after they failed to ALLOW US TO EXHAUST OUR ADMINISTRATIVE REMEDIES. They treated us as nonexistent.

After you review the actions of the appellants throughout this appeal, Is this how we want our Government to respond to the actions of employees, the people, who saw fit to document their discrepancies? USDI IGNORED us and ARBITRARILY AND WITH MALICE failed to recognize us as a Black/ African American class who were discriminated against at USDI.

WE SHOULD BE GRANTED RESOLUTION IN THIS COURT, BECAUSE WITH THE FOLLOWING ISSUES and with the issues throughout our original appeal for LAWS TO BE CHANGED, USDI DID NOT FOLLOW THE LAWS INTACT, THEY ACTED IRRESPONSIBLE FOR SUCH IMPORTANT MATTERS, AND ALONG WITH THE FOLLOWING REITERATED ISSUES, HAVE MADE IT NECESSARY FOR LAWS TO BE CHANGED SINCE THEY DID NOT FOLLOW THOSE INTACT:

1. Due to Judge Sullivan's guidance to our lawyer to start a new case (exact date and time documented in our appeal statement), of course, the lawyer(s) did exactly what the judge instructed. By the latter part of 1997, they used 10 of the employees who were seeking to join with this class action and started 10 new individual complaints at the USDI to be converted into another class action lawsuit. This is unfair to Mrs. Smith-Gregg, the pioneer of this case who was the first to bring to focus the discriminatory practices of the USDI against Black/African-Americans, because she was forced into retirement, and the individual who started the action. She has also developed health problems as a result of all that she has encountered. For if Judge Sullivan had not instructed the lawyer(s) to start anew, excluding Mrs. Smith-Gregg, they

would have sought the issues originally presented, discrimination against all Black/African Americans at the USDI. We ask this court to resolve the issue of this class action, because we are the originators and these SAME ISSUES WILL COME BEFORE YOU WITH THE NEW CLASS ACTION LAWSUIT. If not resolved this date, we will come before you in the future in regard to the 10 employees who the lawyer(s) used to initiate a new Action at the suggestion of Judge Sullivan even if those issues are settled on an agency level. Is it proper for the judge to advise a lawyer while the plaintiffs he did not advise? M. Brantley asked him questions, one in court and one by letter. She was told to get a lawyer in one instant and referred to arbitration in a letter. We strongly emphasize that with or without a rehearing we have an right to be granted resolution in our favor of this case because of our reasons presented through the case as well as for this particular action by the judge that DIVIDED US AS A CLASS GROUP AND ERUPTED THE ISSUES that we brought before him for resolution. Now, we have to let you know about the 10 remaining issues at USDI and they have an upper hand on them. Therefore, should the next class action come forth, we, the three appellants in this case, have a right to name both USDI and the U.S. Department of Justice responsible for these actions due to the irresponsibility of USDI facing up to their actions which caused the judge to become entangled in their irresponsibleness and thereby misguided him to the point of his actions. These rights are due us whether we are dead or alive. Of course, if we are dead our families have these rights. All of this would not have happened if USDI had been fair and promoted us for jobs well done as proven in performance standards and awards. They need to be reprimanded somehow for concocting all of these excuses, most importantly, because they do not have any documentation to prove anything they say.

2. The USDI selected the order in which they wanted to process our cases. We followed their procedures. They were irresponsible and concocted an excuse that we abandoned our case. Carmen Santana is the only individual who claims to know about such a document. Did she concoct this document and give it to her employee to log? Where is it? Who signed it? What does it look like? We did not sign such a document of cancellation. We need laws changed to make sure nothing is done like this again, especially at USDI.

3. We have proven that we did not abandon our case. For if we have provided in official documents all we have to prove that we did not abandon our case and USDI HAS NOTHING, WE DESERVE THE RIGHT TO A FAVORABLE RESOLUTION. Throughout the history of this case, USDI finds an excuse for everything they have done wrong. Do not allow them to continue to hurt people! We need some new laws to force a quick response through telephone recorded conversation and/or in writing.

4. Judge Sullivan relied heavily on Jackie Cooper's statement in regard to USDI stating that we abandoned our case in an unsurfaced document dated August 22, 1990. Jackie Cooper also stated that she did not recall the document, but she does know that the handwriting in the log book belongs to her. She stated that there were no names/ signatures on the document that she logged, because she would have written the names of the persons in the log book. WE DID NOT CANCEL OUR CASE. USDI do not have anything to show that we canceled our case except a log-in. We, the appellants, have submitted all the documents to prove whatever we say. USDI has nothing. They ignored our request and wants to get away with it. They have ignored Black/African Americans for years just as they did by ignoring our request for this action. We do not want our Government to be irresponsible like USDI where

the employees are documenting important matters and the management is doing nothing but overlooking the concerns. Five individuals wrote to them and none of us received a response via telephone nor in writing. On August 22, 1990, USDI claims that we abandoned our case. If we gave them a document on August 15, seven-to-eight days are too long for them to contact us on such a critical issue. They claim that we canceled on August 22, whereby they never contacted us before nor up to this date. On August 22-23, 1990, V. Smith-Gregg was in court initiating individual actions that included submittal documents confirming class action matters as well. Throughout her individual cases, V. Smith-Gregg outlined the problems of many USDI Black/African Americans (see Appellants' Outline of Evidence). USDI, should have, at the least checked with V. Smith-Gregg if they felt that we had abandoned our case. All the documents, as outlined, prove that we did not abandon our case. Again, where is this alleged document and who are the individuals who USDI claims canceled our class action? Since we did not cancel and the judge has ruled that we abandoned the case without any documentation, we strongly feel that we have rights. We documented in numerous evidentiary material that we wanted to do a class action lawsuit (see Appellants' Outline of Evidence).

5. For if USDI believed that we had abandoned our class action, why is it that they did not see that we all had the same complains with our individual cases. They wanted to work with us individually to discourage us. Since they ARBITRARILY AND WITH MALICE handled our cases in this fashion, our appeals to our individual cases are combinated in this appeal. Again, our Government does not need irresponsible managers who overlook important concerns such as these.

6. We just do not see how our Government can allow USDI to do what they did to us and all other Black/African

Americans, and use an excuse that we abandoned our case when we show otherwise. USDI does not have any documentation concerning anything that we have brought before this court. All the changes in law that we have proposed throughout this appeal definitely should be done, especially for USDI, because as you can see, they have no systematic approach to resolutions, but they do have them for continued discriminatory practices against us.

7. Due to the fact that the case was dismissed because of an alleged, unsurfaced August 22, 1990, document, we have a right to our highest court. The documents we submitted should have more bearing on the court rather than an UNSURFACED DOCUMENT that accuses us of abandonment.

8. USDI always knew that we wanted to do a class action, including their counsel at the U.S. Department of Justice (especially Assistant U.S. Attorneys Martin and Hayes), see Interrogatories dated June 22, 1992. We ARE THE PEOPLE too although we worked for USDI. A new law should be created so that Government agencies and employees will both be represented by their own obtained lawyers rather than the U.S. Department of Justice fighting against an employee with the Government agency when LABOR RELATIONS MATTERS are involved. This same concern is presently happening among the Black/African American Farmers, the U.S. Department of Agriculture, and the U.S. Department of Justice.

9. A new 1992 law came into effect involving retirees. V. Smith-Gregg had already initiated her cases and was forced into retirement prior to this new 1992 law and thereby expects resolutions on her behalf prior to the 1992 laws. Otherwise, this cause is for the law on this issue to be changed to cover retirees at whatever year they retired prior to 1992.

Finally, we ask this court to allow us this rehearing based on our Appellant's Outline of Evidence and all other concerns mentioned throughout the appeal and overturn the U.S. District Court's decision in our favor.

RESPECTFULLY SUBMITTED,

APPENDIX C--ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED APRIL 29, 1998

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 97-5320 September Term, 1997
94cv02679

Vivian C. Smith-Gregg, et al.,
Appellants

v.

Bruce Babbitt, Secretary of the Interior
Appellee

BEFORE: Sentelle, Henderson and Tatel, Circuit Judges

ORDER

Upon consideration of appellants' petition for rehearing filed April 10, 1998, it is ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

By: s/Robert A. Bonner

Robert A. Bonner
Deputy Clerk

APPENDIX D--MOTION FOR EXPLANATION IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
FILED MAY 4, 1998

UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

VIVIAN SMITH-GREGG, ET AL.
(APPELLANTS), PRO SE
V.
BRUCE BABBITT, SECRETARY OF THE
U.S. DEPARTMENT OF THE INTERIOR
(APPELLEE)

No. 97-5320

THE RIGHT TO KNOW

BEFORE: Sentelle, Henderson and Tatel; Circuit Judges;
ORDER Dated April 29, 1998; Rehearing Denied

The Judges' above-mentioned ORDER was received on Friday, May 1, 1998, On this Monday, the 4th day of May,1988, the Appellants, NAMELY: Vivian Smith-Gregg, Margaret Brantley, and Regina Smith, respectfully seek The Right To Know why our rehearing was denied. There were definite significant questionable legal problems of great importance that were not resolved concerning the documents we submitted on

our behalf, as noted in our Outline of Evidence, especially our document of August 23, 1990.

s/Vivian C. Smith-Gregg
RESPECTFULLY SUBMITTED.

APPENDIX E--ORDER IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED JUNE 26, 1998

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 97-5320 September Term, 1997

94cv02679

Vivian C. Smith-Gregg, et al.,
Appellants

v.

Bruce Babbitt, Secretary of the Interior
Appellee

BEFORE: Sentelle, Henderson and Tatel, Circuit Judges

ORDER

Upon consideration of the motion for explanation (styled as "the right to know"), it is

ORDERED that the motion be denied. In its order filed April 3, 1998, this court explained why the district court did not err in finding that Appellants had abandoned their administrative claim and therefore failed to exhaust their administrative remedies. The petition for rehearing did not offer anything new to cast doubt upon that order.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: s/Robert A. Bonner
Robert A. Bonner
Deputy Clerk

APPENDIX F--NOTE TO THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY DATED AUGUST 15, 1990

August 15, 1990

NOTE TO THE OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

U.S. Department of the Interior

We, the following Black employees would like to initiate a class action suit, because as a race of people, we have and still to this date continue to be discriminated against - even in this final stage of the contracting out.

s/Brenda Bryant
Bryant, Brenda

s/Vivian C. Smith-Gregg
Smith-Gregg, Vivian

s/Margaret R. Brantley
Brantley, Margaret

s/Regina Smith
Smith, Regina

s/Florence James
James, Florence

APPENDIX G--529 F. SUPP. 163, ALGEA V. SCHWEIKER DECIDED NOVEMBER 25, 1981

529 F. Supp. 163

Dorothy ALGEA v. Richard S. SCHWEIKER n1 Department of Health and Human Services

1. Richard S. Schweiker has succeeded to the office of Secretary of the Department of Health and Human Services, and has been substituted as the defendant. Rule 25(d)(1), Fed.R.Civ.P.

Civ. A. No. M-80-3014

UNITED STATES DISTRICT COURT, DISTRICT OF MARYLAND

529 F. Supp. 163; 27 Fair Empl. Prac. Cas. (BNA) 1659

November 25, 1981

* * *

n6. The Secretary issued a final decision on the plaintiff's administrative complaint, finding no discrimination, on June 26, 1979. The plaintiff appealed to the EEOC, which remanded the complaint to the Secretary on November 1, 1980. This action was filed within thirty days of the plaintiff's receipt of the EEOC's remand decision. 42 U.S.C. § 1613.281 (1981).

* * *

IT IS DECLARED, ADJUDGED AND DECREED:

1. The Secretary has failed to follow the regulations applicable to the plaintiff's Title VII and ADEA claims under counts IV and V of the complaint; and that such failure has operated to the plaintiff's prejudice; and

2, The Secretary shall afford the plaintiff an opportunity to exhaust her administrative remedies with respect to those claims; and

3. Upon the plaintiff's fulfillment of the applicable procedural require-ments, she may, if necessary, refile her Title VII and ADEA claims n this Court.

AND IT IS FURTHER ORDERED that the Clerk shall forward a copy of this Memorandum and Order to Counsel for the parties.

APPENDIX H--LETTER FROM GLENWOOD P. ROANE, ESQ.

PETERSON & BASHA, P.C.
ATTORNEYS AT LAW

March 7, 1997

Margaret R. Brantley
1214 Florida Avenue NE
Washington, D.C. 20002

Ms. Vivienne Smith-Gregg
3908 2nd Street, SW
Washington, D.C. 20032-1421

Ms. Regina Smith
1110 Kennebeck Street
Oxon hill, MD 20745

Re: Smith-Gregg, et al. v. Babbitt, Civil Action No. 94-2679

Dear Ms. Brantley, Ms. Smith-Gregg and Ms. Smith:

This is to confirm the formal notice verbally given you at the conclusion of the hearing before Judge Sullivan on February 21, 1997. I indicated that this firm could no longer participate in the above-referenced matter because we simply do not have the resources in order to represent you in such an undertaking. Accordingly, I will be prepared to file a notice of

withdrawal from this case as soon as you notify me that you have engaged new legal representation.

It is my unsolicited opinion that you should vigorously seek additional plaintiff's who would file administrative actions with the defendant as soon as possible. This would be in consonance with the judge's comments from the bench that we are at liberty to file additional administrative claims on behalf of plaintiffs who believe thy have been discriminated against. The transcript will confirm that this was the Court's opinion.

In connection with the transcript, I called Frank Rangus, the official Court Reporter who will provide details on the cost of the transcript. When this information is received, I will pass it along to you so that you may purchase that transcript.

Finally, I would suggest that you immediately commence the preparation of interrogatories to the Department, especially to Ms. Santana, so that you will have a basis for getting additional deposition testimony from them. If you need assistance with the preliminary draft of questions to be asked of Ms. Santana prior to getting new counsel, I will be happy to modestly assist you in any manner that I can.

It has been a pleasure to work with you all and wish you success in your future endeavors.

Very Truly yours,

PETERSON & BASHA, P.C.

s/Glenwood P. Roane tas

Glenwood P. Roane